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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/606,044	06/25/2003	Bobby John Anderson	5152-001	3689
24112	7590	03/01/2005	EXAMINER	
COATS & BENNETT, PLLC P O BOX 5 RALEIGH, NC 27602			DUNWOODY, AARON M	
			ART UNIT	PAPER NUMBER
			3679	

DATE MAILED: 03/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/606,044

Applicant(s)

ANDERSON ET AL.

Examiner

Aaron M Dunwoody

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,5,7-11,18 and 19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,5,7-11,18 and 19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. <u>2005</u> |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 19 is rejected under 35 U.S.C. 102(b) as being anticipated by US patent 4844121, Duke.

In regards to claim 19, Duke discloses a method (col. 2, line 35 through col. 3, line 28) of securing a sewer drain line for a recreational vehicle within a sewer inlet, the method comprising:

a) passing a hold-down member (24) over the top (of the circumference) of the sewer drain line, the hold-down member comprising a flexible strap having opposing ends;

b) securing the opposing ends of the hold-down member to the ground on opposing sides of the sewer inlet such that the hold-down member applies a downward securing force to the sewer drain line; and

c) wherein the flexible strap includes at least two longitudinally spaced grommets at each the opposing end and is secured to the ground stakes passing through the grommets.

Note, it has been held that to be entitled to weight in method claims, the recited structure limitations therein must affect the method in a manipulative sense, and not to amount to the mere claiming of a use of a particular structure. *Ex parte Pfeiffer*, 1962 C.D. 408 (1961). Therefore, the flexible strap including at least two longitudinally spaced grommets at each the opposing end is given little patentable weight.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 5 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over US patent 6168128, King.

In regards to claim 1, King discloses a securing device comprising:

- a) a hold-down member;
- b) the hold-down member comprising a flexible strap (10) having first and second ends;
- c) ground penetrating member; and
- d) wherein the flexible strap includes at least two longitudinally spaced grommets in the first and second ends to receive the ground penetrating members.

King does not disclose more than one ground penetrating member. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide more than one ground penetrating member, since duplicating the

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components of a prior art device is a design consideration within the skill of the art. In re Harza, 274 F.2d 669, 124 USPQ 378 (CCPA 1960).

Note, the sewer drain **is not** part of the claimed invention.

In regards to claim 5, King discloses the ground penetrating members comprising ground stakes (col. 3, lines 49-54) adapted to pass through the grommets in the first and second ends of the flexible strap.

In regards to claim 7, King discloses the flexible strap being adjustable in length.

Claims 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over King in view of US patent 6557814, Rutz.

In regards to claim 8, King discloses the claimed invention except for a hold-down block interposed between the hold-down member and the line. Rutz teaches a hold-down block (17) interposed between the hold-down member (1) and a line (5) to compensate for temperature changes (col. 5, lines 4-11). As Rutz relates to a securely attaching heavy vessels with curved surfaces, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide a hold-down block interposed between the hold-down member and a line to compensate for temperature changes, as taught by Rutz.

In regards to claim 9, Rutz discloses the hold-down block comprising a surface shaped to conform to the line.

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In regards to claim 10, Rutz inherently discloses the hold-down block further comprising a channel (create by the compressive force of the strap) through which the flexible strap passes.

Claims 8-11 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over King in view of US patent 3533588, Cregier.

In regards to claim 8, Cregier discloses the claimed invention except for a hold-down block. Rutz teaches a hold-down block (12, 12') "for securement to a suitable supporting surface in various manners" (col. 1. lines 50-51). It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide a hold-down block for securement to a suitable supporting surface in various manners, as taught by Cregier.

In regards to claim 9, Cregier discloses the hold-down block comprising a surface shaped to conform to the line.

In regards to claim 10, Cregier discloses the hold-down block further comprising a channel through which the flexible strap passes.

In regards to claim 11, Cregier discloses the channel comprising a slot passing transversely through the hold-down block.

In regards to claim 18, Cregier discloses the hold-down block including at least one opening through which the hold-down member extends.

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron M Dunwoody whose telephone number is 703-306-3436. The examiner can normally be reached on 7:30 am - 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P Stodola can be reached on 703-306-5771. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Aaron M Dunwoody
Examiner
Art Unit 3679

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